

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

## **MEMORANDUM AND ORDER**

This is a *pro se* prisoner's civil rights complaint under 42 U.S.C. § 1983. The matter is before the Court on plaintiff's motion to quash and to continue. Plaintiff moves to quash the defendants' motion to dismiss for failure to exhaust administrative remedies. Plaintiff also moves to continue the case until his release from custody. The defendants have not filed a motion to dismiss; rather, they raise the exhaustion issue as an affirmative defense in their answer to the complaint. In addition, plaintiff has now been released from custody and his motion to continue is moot. Based upon the foregoing, the pending motion [Doc. 10] is **DENIED** in its entirety.

ENTER:

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE